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PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

February 12, 2010

Applicant: Colin McKELLAR

For: TEXTURING 3-DIMENSIONAL COMPUTER GRAPHIC IMAGES

Serial No.: 10/564 306 Group: 2628

Confirmation No.: 8962

Filed: May 15, 2006 Examiner: Nguyen

International Application No.: PCT/GB2004/002593

International Filing Date: June 16, 2004

Atty. Docket No.: 3700.P0407US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

Enclosed herewith is a Supplemental Appeal Brief which responds to the Notification of Non-Compliant Appeal Brief dated January 15, 2010.

(Please see the following page.)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 12, 2010.


Terryence F. Chapman

REMARKS

In response to the Notification of Non-Compliant Appeal Brief dated January 15, 2010, Applicant is enclosing herewith a Supplemental Appeal Brief in which all claims have been identified in the Status of Claims section of the brief. Claims 1-13, 17-22, 24 and 25 have been identified as being canceled. Favorable consideration is respectfully solicited.

Respectfully submitted,


Terryence F. Chapman

TFC/HJ/smd

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Encl: Copy of Notification of Non-Compliant Appeal Brief
Supplemental Appellant's Brief on Appeal
Claims Appendix
Evidence Appendix
Related Proceedings Appendix
Postal Card

110.10/07



UNITED STATES PATENT AND TRADEMARK OFFICE



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Paper No.

Application No.: 10/564,306	Date Mailed: 01/15/2010
First Named Inventor: McKellar, Colin,	Examiner: NGUYEN, HAU H
Attorney Docket No.: 3700.P0407US	Art Unit: 2628
Confirmation No.: 8962	Filing Date: 05/15/2006

Please find attached an Office communication concerning this application or proceeding.

FILE NO: R&G 407 ATTY: TFC
DUE DATE: 02-15-2010 (20100215)
3700.P0407US /INIT: (20100115)
ACTION: 10 RES PER: 1 M DK1
RESP TO NON-COMPL. OA DUE / 1315

Commissioner for Patents

Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)

FEB 16 2010

Application No.

10/564,306

Applicant(s)

MCKELLAR, COLIN

Examiner

H. Nguyen

Art Unit

2628

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

The Appeal Brief filed on 24 December 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

c(3) The brief does not contain the status of all claims.

The entire brief is not required, only the section that was found defective..

/DARLENE BROWN/
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Patent Appeals Specialist
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